

25540. Adulteration and misbranding of Old Rhum Rhum Ayala A-1-1. U. S. v. 73 Cases of Old Rhum Rhum Ayala A-1-1. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32709. Sample nos. 60770-A, 60771-A.)

Neutral spirits were substituted for rum, which this article purported to be, and the label misrepresented its composition.

On May 15, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cases of Old Rhum Rhum Ayala A-1-1 at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about December 20, 1933, and January 8, 1934, from Manila, P. I., to Seattle Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipments were made by the Distilleries Ayala, Inc., Manila, P. The article was labeled in part: (Case) "Old Rhum Rhum Ayala A-1-1, Alcohol 40% by Volume, Net Contents 1 pt. 8¼ Fl. Oz., Mfd. in Philippine Islands Distilleries Ayala, Inc."

Adulteration of a consignment of 43 cases of the article was charged, under the allegation that neutral spirits had been substituted in part for rum and the consignment of 30 cases was alleged to be adulterated in that neutral spirits had been substituted wholly for rum.

Misbranding of the article was charged, with respect to each of the two consignments of 43 and 30 cases, respectively, (a) under the allegations that the labels on the bottles bore the statement "Old Rhum"; and that the said statement was false and misleading and tended to deceive and mislead the purchaser; and (b) under the allegation that the article was offered for sale under the distinctive name of another article, namely, "Old Rhum."

On February 10, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25541. Adulteration and misbranding of honey. U. S. v. Joseph Milnarich and Paul Milnarich, a partnership trading as Milnarich Bros. Plea of guilty. Fine, \$100. (F. & D. no. 32894. Sample no. 63877-A.)

This case was based on an interstate shipment of honey which contained added glucose and sugar, and the packages of which were short in weight.

On August 17, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph Milnarich and Paul Milnarich, a partnership trading as Milnarich Bros., River Rouge, Mich., charging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 28, 1933, from the State of Michigan into the State of Ohio, of a quantity of honey contained in jars that was adulterated and misbranded. The article was labeled: "Eatmore [design showing four bees on a head of red clover] Four Bros. Pure Honey Net Wt. Milnarich Bros. River Rouge, Mich. ["6 Oz." in ink over word "Mich."]."

The article was alleged to be adulterated in that substances, sugar and glucose, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and in that added substances, sugar and glucose, had been substituted in part for pure honey which the article purported to be.

The article was alleged to be misbranded in that the statements, "Pure Honey" and "Net Wt. 6 Oz.", borne on the jars, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the statements, respectively, represented that the article was pure honey, and that the quantity of the article in each of the jars was 6 ounces; whereas in fact the article was not pure honey, but was a product consisting largely of added glucose and sugar, and the quantity of the article in each of the jars was less than 6 ounces. Misbranding of the article was alleged further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the article contained in the packages was less than 6 ounces, the quantity stated thereon.

On February 16, 1935, a plea of guilty was entered on behalf of the defendant company, and on December 12, 1935, the court imposed a fine of \$100.

W. R. GREGG, *Acting Secretary of Agriculture.*